

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA

CASE NO. 00-6023 CIV HURLEY

R/S ASSOCIATES, a Florida
Limited Partnership and
DAN SHOOSTER

Plaintiff

vs.

ROBERT YARI and FORUM
ARLINGTON PROPERTIES, LTD. AND
ALLIANCE COMMERCIAL MANAGEMENT,

Defendants

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U.S. DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

PLAINTIFFS' MOTION TO COMPEL
PRODUCTION OF DOCUMENTS

COME NOW the Plaintiffs, R/S Associates, a Florida limited partnership and Dan Shooster (hereinafter "Plaintiffs"), by and through their undersigned counsel, and for their Motion to Compel Production of Documents state as follows:

1. On or about May 10, 2000, Plaintiffs propounded their First Request for Production to Defendants, Robert Yari and Forum Arlington Properties, Ltd., a copy of which is attached hereto as Exhibit "A".

2. On June 15, 2000, counsel for Defendants produced partial documents in response to Plaintiffs' Request for Production. Counsel for Defendants indicated that additional documents would be forthcoming and would be promptly produced in response to Plaintiffs' Request for Production. (See Exhibit "B" attached hereto).

3. As of this date, Defendants have not produced additional documents in response to Plaintiffs' Request for Production as promised by counsel for Defendants.

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4. As depositions of Defendants, Robert Yari and Forum Arlington Properties, Ltd., have been scheduled for July 26, 2000, Plaintiffs require all documents be produced in response to Plaintiffs' Request for Production in order to properly prepare for Defendants' depositions.

WHEREFORE, Plaintiffs, R/S Associates, a Florida Limited Partnership and Dan Shooster, pray this Honorable Court grant their Motion to Compel Defendants to produce all documents in response to Plaintiffs' Request for Production and/or order such other or further relief as this Honorable Court deems just and proper.

I HEREBY CERTIFY a copy of the foregoing has been forwarded via first class mail to Elaine Johnson James, Esquire, Nason, Yeager, Gerson, White & Lioce, P.A., 1645 Palm Beach Lakes Boulevard, Suite 1200, West Palm Beach, Fl 33401 this 28 day of June, 2000.

FRIEDMAN, ROSENWASSER & GOLDBAUM, P.A.
Attorneys for Plaintiffs
5355 Town Center Road #801
Boca Raton, Florida 33486
Tel: (561) 395-5511
Fax: (561) 368-9274

by: Keith A. Goldbaum
KEITH A. GOLDBAUM, ESQUIRE
FBN 0475637

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PLAINTIFFS'
FIRST REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to Rule 34 of the Federal Rules of Civil Procedure, Plaintiffs request that the Defendants, Robert Yari, Forum Arlington Properties, Ltd. and Alliance Commercial Management make available for inspection or copying the documents described in this Request at a time and place to be arranged by counsel, but in no event later than thirty (30) days from the date of service of this Request or to mail copies of the requested items within thirty (30) days after receipt of this Request or within the time period ordered by this Court to the Offices of Friedman, Rosenwasser & Goldbaum, P.A. The Plaza #801, 5355 Town Center Road, Boca Raton, Florida 33486.

As used in the request:

(1) The term "document" is intended to be comprehensive and to include without limitation, all original writings of any nature whatsoever, copies and drafts which, by reason of notes, changes initials or identification marks not identical to the original and all non-identical copies thereof. In all cases where original and/or non-identical copies are not available, "document" also means identical copies of original documents and copies of non-identical copies.

The term "document" includes, but is not limited to, brochures, pamphlets, printed literature, correspondence, memoranda, contracts, leases, agreements, invoices, credit memoranda, credit files, records, data-sheets, blotters, purchase orders, sales orders, tabulations, reports, bills, of lading, evaluation, work papers, summaries, opinions, journals, diaries, books, statistical records, purchase reports, sales reports, financial reports, checks, notes, transcriptions, ledgers, telegrams, teletypes, telex messages, recording of telephone calls and other communications (including but not limited to,

EXHIBIT

A

notes, notations, memoranda and other writings of or relating to telephone conversations and conferences), minutes and notes of transcription of all meetings and other communications of any type, microfilms, tapes or other recordings, telephone or other logs and any other information which is stored or carried electronically, by means of computer equipment or otherwise, and which can be retrieved in printed or graphic form, maps & charts or photographs.

- (2) Terms in the plural includes the singular and terms in singular include the plural.
- (3) Terms referring to a gender includes all genders.
- (4) The term "relating to" includes referring to, sharing, describing, concerning, analyzing, reflecting or constituting.

THE REQUESTS

1. Please produce all notes, correspondence, memorandums and all tangible evidence you have whatsoever from 1995 to the present indicating, directly or indirectly, how, when or where you first learned about the Festival Flea Market in Pompano Beach, Florida.
2. Please produce all notes, memorandum, correspondence and any and all documents whatsoever indicating any and all travel that you have made to Pompano Beach, Florida and when you have seen or visited the Festival Flea Market in Pompano Beach, Florida.
3. Please produce all notes, memorandum, correspondence and any and all documents that you have used in the last five (5) years, directly or indirectly, to promote the Festival Shopping Center/Mall/Flea Market in the Arlington, Texas type area.
4. Please produce all notes, memorandum, correspondence and any and all documents that you have used in the last five (5) years, directly or indirectly, to utilize in any way with any Lenders of yours, Vendors of yours or any other business contacts of yours within the last five (5) years the Festival Shopping Center/Mall/Flea Market in the Arlington, Texas type area.
5. Please produce all notes, memorandum, correspondence and any and all documents evidencing any and all pictures that have been taken of the Festival Shopping Center/Mall/Flea Market in the Arlington, Texas area within the last five (5) years, including the interior and exterior of the Festival Shopping Center/Mall/Flea Market.
6. Please produce all notes, memorandum, correspondence and any and all documents

evidencing any Tenants or potential Tenants that you have ever communicated with which ever had any Leases or business arrangements with the Festival Shopping Center in Pompano Beach, Florida whose principal is a Plaintiff in the aforescribed case.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY a copy of the foregoing has been forwarded via facsimile and first class mail to Elaine Johnson James, Esquire, Nason, Yeager, Gerson, White & Lioce, P.A., 1645 Palm Beach Lakes Boulevard, Suite 1200, West Palm Beach, Florida 33401 this 10 day of May 2000.

Friedman, Rosenwasser & Goldbaum, P.A.
5355 Town Center Road #801
Boca Raton, Florida 33486
Tel: (561) 395-5511
Fax: (561) 368-9274
E-Mail: goldboca@aol.com

By: Keith A. Goldbaum
KEITH A. GOLDBAUM, ESQUIRE
FBN 0475637

NASON, YEAGER, GERSON, WHITE & LIOCE, P.A.

ATTORNEYS AT LAW

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ELAINE JOHNSON JAMES
Also Admitted In Pennsylvania

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ejames@nygw1.com

June 15, 2000

Keith A. Goldbaum, Esquire
Friedman, Rosenwasser & Goldbaum
5355 Town Center Road, Suite 801
Boca Raton, Florida 33486

RE: Shooster v. Yari, our file no. 6074/13057

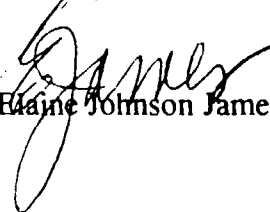
Dear Mr. Goldbaum:

Enclosed are all of the documents in our files which are responsive to the Plaintiffs' request for Production. As I mentioned in the message I left for you today, I anticipate receiving additional documents from California and Texas soon, which will be sent to you promptly.

Thank you for your courtesy

Very truly yours,

NASON, YEAGER, GERSON, WHITE &
LIOCE, P.A.


Elaine Johnson James

cc: Mr. Bob Yari w/o enclosure

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EXHIBIT B